

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MICHAEL BRACKETT, et. al.

Plaintiffs,

vs.

ST. LOUIS BOARD OF POLICE
COMMISSIONERS, et. al.

Defendants.

Case No.: 4:12-cv-00898-JAR

MOTION TO DECERTIFY PLAINTIFFS'
COLLECTIVE ACTION UNDER 29 U.S.C. 216(b)

COME NOW Defendants ST. LOUIS BOARD OF POLICE COMMISSIONERS and the named members thereof, by their attorneys, and move to decertify the collective action brought by Plaintiffs under 29 U.S.C. 216(b) on grounds that opt-in Sergeants who worked in a position other than District Sergeant at any time during the relevant period prior to filing their consent forms to join this action were not similarly situated to the six original Plaintiffs during such periods of time.

A Memorandum in Support of this Motion is submitted herewith.

Respectfully submitted,
MCMAHON BERGER, P.C.

/s/ John B. Renick

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CERTIFICATE OF SERVICE

I hereby certify that I have this 30th day of April, 2013, served a true and correct copy of the foregoing upon the following via the Court's electronic filing system, on the following:

Rick Barry
Law Offices of Rick Barry, P.C.
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St. Louis MO 63144

/s/ John B. Renick